



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

Memorandum

Date: September 23, 2015

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **Madi Choueiri (petitioner/owner)** – Variance under Section 2.02.13(E)(4)(a) of the Zoning Ordinance to permit an enclosed porch 10 ft. from the front property line whereas 30 ft. is required. The parcel is located at 480 Daniel Webster Highway in the Town Center Overlay, C-1 (Limited Commercial) and Aquifer Conservation Districts. Tax Map 5D-3, Lot 046. Case # 2015-32.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

The subject parcel, Tax Map 5D-3, Lot 046, is a 0.36 acre lot located at 480 DW Highway, directly next to the library as shown in the aerial attached. The lot lies within the C-1 (Limited Commercial), Town Center Overlay and Aquifer Conservation Districts and is serviced by MVD water and public sewer.

The petitioner received a Special Exception under Section 2.02.2(C) to permit a restaurant in the C-1 District (Case 2014-54) as well as conditional final approval of the site plan from the Planning Board on September 15, 2015. The petitioner seeks to enclose the front porch and include that area in the indoor dining room for the restaurant. The new construction of the enclosed porch area would be within the front setback (30') and therefore requires relief from the Zoning Board of Adjustment before final approval from the Planning Board can be granted.

The petitioner seeks a Variance under Section 2.02.13(E)(4)(a) of the Zoning Ordinance to permit an enclosed porch 10 ft. from the front property line whereas 30 ft. is required (in the Town Center Overlay).

Standard of Review: It is the burden of the Petitioner to demonstrate that the five requirements for the granting of a Variance under 2.02.13.E(4)(a) of the Zoning Ordinance to permit an enclosed porch 10 ft. from the front property line whereas 30 ft. is required.

cc: Correspondence & Zoning Board File

ec: Madi Choueiri, Petitioner and Owner

Carol Miner and Fred Kelley, Building Department
Captain John Manuele, Merrimack Fire Department